

## REMARKS/ARGUMENTS

In the Office Action dated February 22, 2007, claims 8-15 were rejected under 35 U.S.C. § 102(a) as being anticipated by WO 97/10658 to O'Donnell et al. ("O'Donnell"). Claims 1-6 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell in view of U.S. Patent No. 6,407,376 to Korn ("Korn"). Claims 16-19 were allowed. Claim 7 was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding the rejection of claims 8-15, although the rejection is stated as being under 35 U.S.C. § 102(a) as being anticipated by O'Donnell, in the discussion of the rejection the Examiner includes disclosure from Korn, as well as O'Donnell. As a result, the Applicant believes that the rejection was intended to be under 35 U.S.C. § 103(a) over O'Donnell in view of Korn, and the Applicant will present arguments accordingly.

The Applicant respectfully submits that claims 8-15 are not anticipated by O'Donnell or unpatentable over O'Donnell in view of Korn because O'Donnell alone, or the combination of O'Donnell and Korn, do not disclose or suggest the requirements of the claims. O'Donnell discloses a method and apparatus for controlling the relative amplitudes of the individual wavelength components of a wavelength division multiplexed optical signal using an adaptive optical filter, the transfer function of which is controlled by an input signal. O'Donnell does not disclose or suggest wavelength selecting means for selecting and inputting lights of a plurality of different wavelengths other than a reference light, as is required by claim 8. The adaptive wavelength filter 20 of O'Donnell does not select and input lights. Rather, the adaptive wavelength filter 20 of O'Donnell outputs all of the wavelengths that are input to it, but adjusts their amplitudes in order to balance the amplitudes. Thus, O'Donnell discloses outputting all of

the input wavelengths, but adjusting the amplitudes of the wavelengths to be approximately the same. O'Donnell does not disclose or suggest "selecting" any wavelengths, as all of the wavelengths that are input to the adaptive wavelength filter 20 are output from the filter as well. This is quite different from the requirement of claim 8 of selecting and inputting lights.

Korn discloses an optical monitoring system that provides out-of-band calibration. A reference source generates a reference signal outside of the spectral band. A tunable filter filters the optical signal and the reference signal. A reference signal detector then detects the filtered reference signal, while an optical signal detector detects the filtered optical signal. Korn does not disclose or suggest a wavelength selecting means for selecting and inputting lights of a plurality of different wavelengths other than a reference light;. Korn discloses a tunable filter 150 that selects only one wavelength signal, other than the reference signal light. This is different than the requirement of claim 8 for selecting and outputting lights of the plurality of wavelengths other than a reference light.

Regarding claim 12, neither O'Donnell nor the combination of O'Donnell and Korn discloses wavelength selecting means for inputting output light of said multiplexing means and selecting and outputting lights of a plurality of wavelengths other than the reference light in accordance with an external control signal, as is required by claim 12.

Therefore, claims 8 and 12, as well as claims 9-11 and 13-15, which depend therefrom are not anticipated by O'Donnell, nor unpatentable over O'Donnell in view of Korn.

The Applicant respectfully submits that claims 1-6 and 20 are not unpatentable over O'Donnell in view of Korn because even if O'Donnell and Korn were combined as suggested the Examiner, the result would still not disclose or suggest the requirements of the claims. O'Donnell discloses a method and apparatus for controlling the relative amplitudes of the

individual wavelength components of a wavelength division multiplexed optical signal using an adaptive optical filter, the transfer function of which is controlled by an input signal. O'Donnell does not disclose or suggest wavelength selecting means selecting and outputting lights of the plurality of wavelengths in accordance with a control signal applied from an external circuit, as is required by claim 1. Thus, claim 1 requires selecting and outputting lights in accordance with a control signal. The adaptive wavelength filter 20 of O'Donnell does not select and output lights in accordance with a control signal. Rather, the adaptive wavelength filter 20 of O'Donnell outputs all of the wavelengths that are input to it, but adjusts their amplitudes in order to balance the amplitudes. Thus, O'Donnell discloses outputting all of the input wavelengths, but adjusting the amplitudes of the wavelengths to be approximately the same. O'Donnell does not disclose or suggest "selecting" any wavelengths, as all of the wavelengths that are input to the adaptive wavelength filter 20 are output from the filter as well. This is quite different from the requirement of claim 1 of selecting and outputting lights in accordance with a control signal.

Korn discloses an optical monitoring system that provides out-of-band calibration. A reference source generates a reference signal outside of the spectral band. A tunable filter filters the optical signal and the reference signal. A reference signal detector then detects the filtered reference signal, while an optical signal detector detects the filtered optical signal. Korn does not disclose or suggest a wavelength selecting means for inputting a light not including a reference light and selecting and outputting lights of the plurality of wavelengths in accordance with a control signal applied from an external circuit. Korn discloses a tunable filter 150 that selects only one wavelength signal, other than the reference signal light. This is different than the requirement of claim 1 for selecting and outputting lights of the plurality of wavelengths other than a reference light.

Even if O'Donnell and Korn were combined as suggested by the Examiner, the resulting combination would still not disclose or suggest selecting and outputting lights of the plurality of wavelengths other than a reference light in accordance with a control signal applied from an external circuit.

Regarding claim 5, the combination of O'Donnell and Korn similarly does not disclose or suggest selecting and outputting a plurality of wavelengths other than a reference light from an input light in accordance with an external control signal. Likewise, regarding claim 20, the combination of O'Donnell and Korn similarly does not disclose or suggest selecting and outputting lights of the plurality of wavelengths other than a reference light with a wavelength selecting means in accordance with a control signal applied from an external circuit.

Therefore, claims 1, 5, and 20, as well as claims 2-4, and 6, which depend therefrom, are not unpatentable over O'Donnell in view of Korn.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

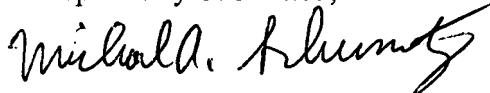
**Additional Fees:**

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4047 (4195460048).

**Conclusion**

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,



Michael A. Schwartz  
Reg. No. 40,161

Dated: August 22, 2007

Bingham McCutchen LLP  
2020 K Street, N.W.  
Washington, D.C. 20006-1806  
(202) 373.6000 Telephone  
(202) 373.6001 Facsimile